

From: Barber, Anthony
To: Kubo, Teresa; Eastman, Susan; Helder, Dirk; McGown, Michael; Henning, Alan
CC: Williams, Erin; Schulze, Chad
Sent: 10/8/2014 1:42:47 PM
Subject: RE: Spraying on Oct. 13th in Clear Lake Watershed, Florence, Oregon

All,

Non-Responsive

Anthony L. Barber, PE
Director
Oregon Operations Office
US EPA Region 10
805 SW Broadway, Suite 500
Portland, OR 97205

503-326-6890 (phone)
503-326-3399 (fax)
barber.anthony@epa.gov

From: Kubo, Teresa
Sent: Tuesday, October 07, 2014 2:15 PM
To: Eastman, Susan; Helder, Dirk; Barber, Anthony; McGown, Michael; Henning, Alan
Cc: Williams, Erin
Subject: RE: Spraying on Oct. 13th in Clear Lake Watershed, Florence, Oregon

Hello All,

Alan took the lead on responding to Ex. 6 - Personal Privacy back in April on issues related to landslide safety, smoke management and pesticide drift for this same parcel. I am including his summary of their conversation below. I thought you would want to know what has already been discussed as we determine how to respond. Dirk – perhaps a follow up by phone to convey that our understanding is that the applicator is proposing to follow label restrictions and Oregon guidelines? We could also explain EPA's role (or lack thereof) under those circumstances? We may also want to reach out to Erin Williams – she was very helpful a couple of months ago when a similar question came up about spraying in Oregon. She provide me with the following details:

All pesticide registration, including approving label language, are done at EPA Headquarter out of the Office of Pesticide Programs. So we in the regional office don't have much impact on this process.

EPA has heard a lot of complaints about pesticide drift on the Oregon Coastal Range over the years. We have invested a lot of time talking with residents, collecting baseline foliage and other samples (including urine) looking for off target pesticide movement. Additionally, EPA is in the process of developing air monitoring studies to be conducted in the Oregon Coastal Region. There are currently **Draft Guidance Documents for Evaluating Pesticide Spray Drift** that was open to public comment at the beginning of the year, [Docket EPA-HQ-OPP-2013-0676-0001](#). EPA is still analyzing the comments. More information can be found on the website below.

http://www.epa.gov/oppfead1/cb/csb_page/updates/2014/spraydrift-draftguid.html

If an individual feels they were drifted on by an application, they can report the incident to PARC

Take care,

Teresa

From: Henning, Alan

Sent: Thursday, April 17, 2014 1:16 PM

To: Kubo, Teresa; Opalski, Dan; Eastman, Susan

Cc: Croxton, Dave

Subject: Follow-up with [Ex. 6 - Personal Privacy] re: Impending Landslide Risk Is Being Ignored

Teresa, Dan and Susan:

I wanted to let you know that I had a very lengthy conversation with [Ex. 6 - Personal Privacy] late Friday afternoon, 4/11, to better understand her complaint and to share with her EPA's role in the site-specific implementation of the Oregon Department of Forestry's rules. Prior to my conversation with [Ex. 6 - Personal Privacy] I had a lengthy conversation with Dave Waltz, DEQ's Basin Coordinator for the Mid-Coast Basin which includes the property in question.

Ex. 6 - Personal Privacy

[Ex. 6 - Personal Privacy] Mr. Waltz provided me site maps, the ODF's Geotech report, and other site related documents. The site contains a mixture of slopes from 30% up, some of which are quite steep. (Dan, this is contrary to my initial understanding and what I initially shared with you. Based on pictures of the site that [Ex. 6 - Personal Privacy] provided DEQ, the slopes didn't appear to be that steep.) The most easterly piece of the 80 acre parcel crests the slope of the watershed and extends into the adjacent watershed.

ODF did complete a "high-landslide hazard location" (HLHL) evaluation of the site, however it appears that the evaluation was conducted after most of the site was harvested. ODF conducts HLHL evaluations on sites to restrict harvest activities in areas that may create landslide risks to public health (loss of life or property). These sites have to be identified by the applicant/owner in the proposed harvest plan/permit application. Land sat maps are used to help identify these sites during the application process. Restrictions from the HLHL evaluations are not applied where there are no public health risks associated with high risk landslide slopes. In other words, ODF's HLHL evaluations only focus on the potential high risk landslide slopes where a public health concern exists. The evaluation does not focus on all of the high risk landslide slopes on a site. (This is one of the key missing management measures identified in the NOAA/EPA proposed decision to disapprove Oregon's Coastal Non-point Pollution Control Program (CZARA decision). NOAA/EPA's position is that management measures for potential high-risk landslide areas should also be protective of water resources.) ODF's evaluation concluded that there were no HLHL sites that were part of this harvest. Timber was harvested from steep slopes on this parcel but those sites did not represent a human health risk or a risk to property.

Based on DEQ's records, [Ex. 6 - Personal Privacy] complaints to ODF and DEQ began when the forest harvesting actually began early in 2013. In my conversation with [Ex. 6 - Personal Privacy] her greatest concerns now are with the post harvest activities, i.e., the smoke from the slash burning, the application of the herbicides, and the potential landslides from steep slopes left without vegetation. She explained, in great detail, the impacts that the post harvest activities (smoke and pesticide drift) have had on her family.

I explained EPA's role on Oregon forestry issues and how ODF is the appropriate entity for addressing these issues (wasn't much comfort) I also discussed our current involvement on forestry related activities as it pertains to the CZARA decision and our role in the Triangle Lake investigation. [Ex. 6 - Personal Privacy] was aware

of both and did submit comments on the CZARA decision. I did send her a copy of our proposed CZARA decision document and committed to notifying her when the Triangle Lake study resumed. She has my contact information.

Let me know if you have any questions.

Alan

Teresa Kubo
Environmental Review and Sediment Management
US EPA Oregon Operations
805 SW Broadway, Ste 500
Portland, Oregon 97205
Tel. 503-326-2859

From: Eastman, Susan
Sent: Tuesday, October 07, 2014 1:29 PM
To: Helder, Dirk; Barber, Anthony; McGown, Michael; Kubo, Teresa; Henning, Alan
Subject: Re: Spraying on Oct. 13th in Clear Lake Watershed, Florence, Oregon

I think Teresa and or Alan have looked into this so I have included them in this response. I was originally contacted because of the federally designated Sole Source aquifer status of the Florence Dunal Aquifer Area SSA but the authority of my program is severely limited to ONLY federally funded projects so if anyone ever has information on that as it pertains to this then please do include me otherwise....??? I have no input except to also say that I have forwarded past information to Oregon source water protection program and

Ex. 5 - Deliberative

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That is all I know.

Susan Eastman
Environmental Scientist
EPA Region 10
1200 Sixth Ave Suite 900, OWW 136
Seattle, WA 98101
Eastman.Susan@epa.gov

SDWA Tribal Set Aside, CWA Indian Set Aside, Sole Source Aquifer Program, Source Water Protection, Idaho GW 106

From: Helder, Dirk
Sent: Tuesday, October 7, 2014 7:52 AM
To: Barber, Anthony; McGown, Michael; Eastman, Susan
Subject: FW: Spraying on Oct. 13th in Clear Lake Watershed, Florence, Oregon

Anthony, Mike and Susan,
We received this letter from **Ex. 6 - Personal Privacy** see the attachment. I wonder if we should coordinate a reply to her. There are not any monitoring requirements on the pesticide labels of the products they are using and they are taking a number of steps to ensure the pesticide is applied appropriately and does not drift offsite or into waterbodies, e.g. hand spraying, application under 10 mph, facing away from the water body when they spray, large droplet size, 20-100 foot buffer, lower air temp, not spraying upwind of waterbodies and using a marker dye to avoid over spraying. These are exactly the kinds of steps EPA would want them to take, so the application likely will be done well. Just my two cents...

Best,
Dirk Helder
US EPA
(208) 378-5749

From: **Ex. 6 - Personal Privacy**
Sent: Monday, October 06, 2014 5:33 PM

To: McGown, Michael; Helder, Dirk; Heggem, Daniel; Powers, David; Eastman, Susan
Subject: Spraying on Oct. 13th in Clear Lake Watershed, Florence, Oregon

EPA,

Last year at this time there was a large scale pesticide spraying and burning directly on 80 acres directly adjoining our neighborhood and directly in the "Protected" area of the Clear Lake Watershed.

We have received a new notification (attached). We have heard that the private owners are planning on spraying sometime close to the 8th. **Please notify all involved that this is again taking place. We are requesting assurance that monitoring will be taking place to protect us as citizens, our air and our drinking water.**

We will again be bombarded with pesticides, and smoke will fill our neighborhood when they do an upcoming broadcast burn and burning of huge slash piles. Please do all you can to stop this and protect us from this. We as citizens should not have to endure living like this, and having our air and water poisoned.

Please assure this that you are aware of what is happening and that steps are being taken to monitor the situation. Please do all you can to stop this assault on us, we cannot continue living like this. It is a human rights violation that this is being allowed to take place.

Thanks for your quick attention to this. Please let me know how you will work to protect our water, air and us as citizens!

Ex. 6 - Personal Privacy

Neighbors in the Clear Lake Watershed, Florence, Oregon